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#7

IN THE UNITED STATES PATENT OFFICE

In re the application of: Brett B. Truett

Filed: October 31, 2001

Examiner: J. Poker

Serial No.: 10/003,590

Art Unit: 2832

For: Hybrid Limit Switch

April 21, 2004

PETITION TO REVIVE APPLICATION UNDER 37 CFR 1.137

RECEIVED

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

APR 28 2004

OFFICE OF PETITIONS

Sir:

Applicant petitions for the revival of the application under 37 CFR Section 1.137(a) in view of the following:

1. Applicant received an Office Action dated 10/23/2002 requiring an Election of Invention.

2. Applicant filed an Amendment electing "Invention 1" with traverse on January 13, 2003. (Exhibit A)

3. Applicant failed to include with the Amendment a Petition for Extension of Time under 37 CFR 1.36(a) and the fee for a two months extension.

4. On April 9, 2003 the Supervisory Examiner called applicant's attorney at his current address and advised him of the omission. He indicated that if applicant's attorney had a deposit account the fee could be authorized on the telephone and the matter taken care of.

5. Since applicant's attorney did not have a deposit account it was indicated a petition and fee for the two month extension should be filed immediately by Express Mail. This was done. (Exhibit B)

04/27/2004 SDIRETA1 00000005 10003590

01 FC:2453  
02 FC:2452

665.00 DP  
55.00 DP

6. A Return Post Card was received and the check for \$205.00 was cashed on April 18, 2003 without any further communication from the Patent Office.

7. Since the five month deadline for extensions of time was April 23, 2003 applicant's attorney believed, in the absence of another telephone call from the Supervisory Examiner, everything was now in order and an Office Action on the merits would be forthcoming in due course.

8. Applicant's attorney moved as of February 2002 and filed changes of Correspondence Address forms in his various pending cases as indicated for three such cases on the enclosed Return Post Card (Exhibit C). Apparently the Change of Correspondence Address for the subject case was lost or never sent since no record can now be found. A Change of Correspondence Address form PTO/SB/122 has now been filed. (Exhibit D)

9. Early in 2004 during an annual review of pending matters it was noted that no Office Action had been received in the case since filing of the Petition and Fee for an Extension of Time. In early March 2004, in a telephone call to Technology Center 2800 Administrative Office, it was learned the case file had been "lost" in the move to Arlington.

10. On April 2, 2004 Applicant's attorney was advised that the file had been found but the Petition for Extension of time was not in the file. Copies (Exhibit B) were faxed to the Patent Office that day.

11. After several more telephone calls it was finally learned on or about April 15, 2004 that SPRE-3 had now decided the Petition for Extension of Time was not timely filed and the case was therefore considered abandoned.

3.

12. Since this was the first time applicant's attorney learned that the Petition and Fee submittal of April 10, 2003 was not acceptable, as had been indicated verbally it would be, the abandonment was unavoidable under 37 CFR 1.137(a). The petition fee under 37 CFR 1.17(l) in the amount of \$55.00 is submitted herewith.

13. However, in the event that abandonment is found not to have been unavoidable, please treat this Petition as one for Revival of the Application on the ground that the delay was unintentional under 37 CFR 1.137(b). The undersigned hereby confirms that the abandonment for failure to file a timely petition for extension of time was unintentional, as is clear from the foregoing statement of facts. Please, in this event, charge the Petition fee of \$665.00 in accordance with the Credit Card Payment Form PTO-2038, enclosed herewith.

Respectfully submitted,

  
Robert O. Wright

Attorney for Applicant

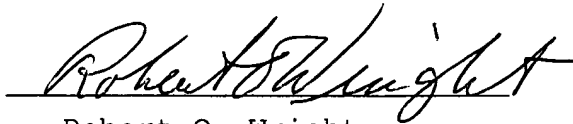
Enclosures:

Exhibits A-D

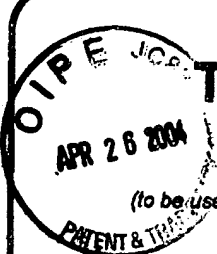
CERTIFICATE OF MAILING 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail addressed to Mail Stop Petitions, Asst. Commissioner for Patents, Washington, D.C. 20231.

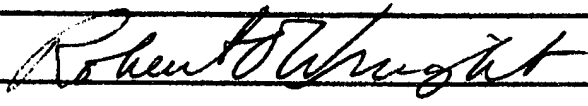
April 21, 2004


  
Robert O. Wright

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

 <b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/003.590
	Filing Date	10/31/2001
	First Named Inventor	Brett B. Truett
	Group Art Unit	2832
	Examiner Name	J. Poker APR 26 2004
Total Number of Pages in This Submission	Attorney Docket Number	BBT OFFICE OF PATENT & TRADEMARK

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks <div style="text-align: center; font-size: 2em; font-weight: bold;">COPY</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Robert O. Wright
Signature	
Date	01/13/2003

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:	
Jan. 13, 2003	
Typed or printed name	Robert O. Wright
Signature	
Date	01/13/2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



EXHIBIT A

IN THE UNITED STATES PATENT OFFICE

In re the application of: Brett B. Truett

Filed: October 31, 2001

Serial No.: 10/003,590

For: Hybrid Limit Switch

Examiner: J. Poker

Art Unit: 2832

January 13, 2003

Hon. Commissioner of Patents and Trademarks

Washington, D.C. 20231

AMENDMENT

Sir:

**COPY**

In response to the to the Office Action of Oct. 23, 2002, applicant hereby elects the invention of 'Invention I' and Claims 1-14 and 18 with traverse. Applicant submits that a premolded case would not truly form an integral limit switch as is obtained with the present invention and therefore the method claims are properly included as part of the invention.

Respectfully submitted,

Robert O. Wright

Attorney for Applicant

*Truett*

*10/003, 590*

*Amendment*



*Wright*

*571-272-1626*



## EXHIBIT B

PTO/SB/21 (03-03)

Approved for use through 04/30/2003. OM/8 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Copyright Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/003,580	
	Filing Date	10/31/2001	
	First Named Inventor	Brett B. Truett	
	Art Unit	2832	
	Examiner Name	J. Paker	
Total Number of Pages in This Submission	2	Attorney Docket Number	B8T

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks EU 506047115 US  <b>COPY</b>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Robert O. Wright
Signature	<i>Robert O. Wright</i>
Date	04/10/2003

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 04/10/2003	
Typed or printed	Robert O. Wright
Signature	<i>Robert O. Wright</i>
Date	04/10/2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-768-9199) and select option 2.

## EXHIBIT B

PTO/SB/22 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031

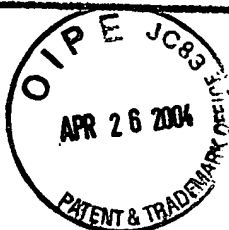
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1996, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional)

BBT



In re Application of

Brett B. Truett

Application Number  
107003,590

Filed

10/31/2001

For Hybrid Limit Switch

Group Art Unit

2832

Examiner

J. Paker

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

☐ One month (37 CFR 1.17(a)(1))

☒ Two months (37 CFR 1.17(a)(2))

☐ Three months (37 CFR 1.17(a)(3))

☐ Four months (37 CFR 1.17(a)(4))

☐ Five months (37 CFR 1.17(a)(5))

\$ \_\_\_\_\_

\$ 410.00

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

COPY

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 205.00.

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.

☐ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number \_\_\_\_\_.

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor

☐ assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98).

☒ attorney or agent of record.

☐ attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

04/10/2003  
Date

*Robert O. Wright*  
Signature

Robert O. Wright

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of \_\_\_\_\_ forms are submitted.

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



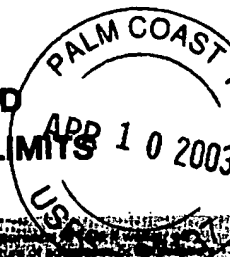
EXHIBIT B



POST OFFICE TO ADDRESSEE

## ORIGIN (POSTAL USE ONLY)

PO ZIP Code 22137	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second <input type="checkbox"/>	Flat Rate Envelope <input type="checkbox"/>
Date in Mo: 4 Day: 10 Year: 2003	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 12.65
Time in <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee <input type="checkbox"/>
Weight lbs. 0.75	Int'l Alpha Country Code	COD Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials	Insurance Fee
Total Postage & Fees \$ 15.65		

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INSURANCE COVERAGE LIMITSCustomer Copy  
Label 11-B May 2001

## CUSTOMER USE ONLY

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FROM: (PLEASE PRINT) PHONE 386 446 9471 Robert O. Wright Patent Attorney 42 Boston Lane Palm Coast, FL 32137	TO: (PLEASE PRINT) PHONE Box-Missing Parts Commissioner for Patents Washington, D.C. 20231
ZIP + 4 2 2 1 3 7 + 0 0 0 0	

FOR PICKUP OR TRACKING CALL 1-800-222-1811

www.usps.com



TRUETT, BRETT B

10/003, 590

Hybrid Limit Switch

Extension Petition &amp; Fee

Transmittal Form

Check for fee \$205.00

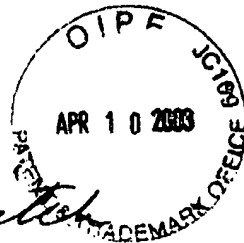




EXHIBIT C

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*Change of Correspondence  
address for*

ADAIR 603,078

DARMAN 722,226

BARR 922,474



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**CHANGE OF  
CORRESPONDENCE ADDRESS  
Application**Address to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450.

Application Number	10/003,590
Filing Date	October 31, 2001
First Named Inventor	Brett B. Truett
Art Unit	2832
Examiner Name	J. Parker
Attorney Docket Number	BBT-1024

Please change the Correspondence Address for the above-identified patent application to:

☒ Customer Number :

32540

OR

☐ Firm or  
Individual Name

Address

Address

City

Country

Telephone

Fax

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the:

☐ Applicant/Inventor☐ Assignee of record of the entire interest.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98).☒ Attorney or Agent of record. Registration Number 17097☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number \_\_\_\_\_Typed or Printed  
Name Robert O. Wright

Signature

Date April 20, 2004

Telephone 386-448-9471

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.